

Public Information Act for Beginners: Sample Documents

Views expressed are those of the presenter, do not constitute legal advice and are not official opinions
of the Office of the Texas Attorney General

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- p. 1-13: letter releasing some information to requestor and attachments
- p. 14-16: 10-day letter and attachments
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Release Some Docs but Request Ruling from OAG on Remainder

July 17, 2015

Ms. Shauna Malwae-Tweep
123 Raccoon Row
Pawnee, Texas 12345

RE: Public Information Request No. 15-123

Dear Ms. Malwae-Tweep:

This letter is in response to your public information request to the City of Pawnee (the “city”) received in our office on July 1, 2015. Copies of your request and your subsequent clarification are enclosed as Exhibit A.

The city has reviewed its files and has located the documents enclosed as Exhibit B which are responsive to your request. We have redacted some information without requesting a ruling from the Open Records Division of the Office of the Attorney General pursuant to sections 552.024 and 552.130 of the Government Code, as well as Open Records Decision No. 684 (2009). *See* Exhibit C. Although the Public Information Act allows a governmental body to charge for copying documents, the enclosed is being provided to you at no charge.

Because we believe some of the information you have requested is excepted from disclosure pursuant to section 552.103 of the Government Code, a decision is being requested from the Open Records Division of the Office of the Attorney General pursuant to section 552.301 of the Government Code. A copy of the written communication requesting a decision will be provided to you under separate cover. If you have any questions, you may contact me at 555-555-5555.

Sincerely,

Sean Nottingham
Public Information Coordinator
City of Pawnee

Enclosures

Exhibit A

City of Pawnee Public Information Request

Date: June 30, 2015

Name: Shauna Malwae-Tweep

Address: 123 Raccoon Row
Pawnee, Texas 12345

Phone Number: (555)-555-5555

E-mail: SMalwaeTweep@pawneejournal.com

Request for information: I would like copies of Garry Gergich's personnel records and all e-mails sent between December 1, 2012, and March 31, 2013.

From: Shauna Malwae-Tweep (SMalwaeTweep@pawneejournal.com)
Sent: Wednesday, July 1, 2015 2:00 PM
To: openrecords@cityofcowabunga.gov
Subject: PIR clarification

Hi Mr. Nottingham,

Thank you for your call today, this is my e-mail confirming that I'd like the personnel records for the Garry Gergich that often goes by Jerry in the Parks and Recreation Department. Also, I'd only like e-mails from the time period I specified that contain any of the following terms:

Garry Gergich
Jerry Gergich
Larry Gergich
Terry Gergich
Barry Gergich
Burrito
Pawnee Animal Control
mural or murinal.

Thanks!

Shauna Malwae-Tweep
Pawnee Journal

Exhibit B

**PAWNEE PARKS AND RECREATION
DEPARTMENT
APPLICATION FOR EMPLOYMENT**

APPLICANT INFORMATION

Full Name: Garry Gergich

Present address: [123 Main St., Pawnee TX 12345]

Social Security Number: [123-45-6789]

Home Telephone: [(555) 555-6789] Business Telephone: (512) 555-4567

Cell Phone Number: [(555) 555-5678] E-mail: [Mynameisgarry@altavista.com]

Height: 6'0" Weight: 275 Hair Color: Gray

Eye Color: Blue Alias: I only go by Garry

Driver's License #: [12345678] State: [TX] Expiration Date: [July 4, 2020]

PERSONAL BACKGROUND

Marital Status (check one):

☐ Single ☒ Married ☐ Separated ☐ Divorced ☐ Widowed

If Married, Your Spouse's Name: [Gayle Gergich]

Spouse's Address: [See above]

Spouse's Phone Number: [See above]

Children's Names & Ages:

Name: [Millicent Gergich] Age: [25]

Name: Miriam Gergich Age: 23
 Name: Gladys Gergich Age: 21

EDUCATIONAL BACKGROUND

School & Location: Pawnee High School, Pawnee, TX
 Graduation Date: May 1966 Degree Earned: H.S. Diploma

School & Location: Pawnee Community College, Pawnee, TX
 Graduation Date: May 1968 Degree Earned: Associate Degree

EMPLOYMENT HISTORY

Prior Employer & Location: Paunch Burger, Pawnee, TX
 Position: Fry Cook Salary: \$3.15/hour
 Supervisor: Tammy Swanson Supervisor's Phone: (555) 555-1234

REFERENCES

<u>NAME</u>	<u>PHONE NUMBER</u>	<u>RELATIONSHIP</u>
Larry	(512) 555-5858	Colleague
Moe	(512) 555-2266	Colleague
Curly	(512) 555-0246	Teacher

MILITARY SERVICE

Branch: N/A Dates: N/A Rank at Discharge: N/A

Did you receive an honorable discharge? Yes No
 Were you ever court-martialed? Yes No
 Were you ever reduced in rank? Yes No
 Were you ever absent without leave? Yes No
 List Relevant Honors: _____

APPLICANT QUESTIONNAIRE

CRIMINAL BACKGROUND

Have you ever been convicted of a Class A or Class B misdemeanor offense? No
If yes, list the offense, year, and jurisdiction in which the offense occurred.

Are you currently on probation for any criminal offense? No
If yes, list the offense, date and jurisdiction in which the offense occurred.

As an adult, have you been convicted of DWI or DUI? No
If yes, list the offense, date and jurisdiction in which the offense occurred.

WORK BACKGROUND

Yes No

- ✓ Have you ever been fired from a job for any reason?
- ✓ Have you ever been asked to resign from a job for any reason?
- ✓ Have you ever quit to avoid being fired?
- ✓ Have you ever quit a job without giving the required notice?

EMERGENCY CONTACT INFORMATION

Name: Gayle Gergich Relationship: Wife

Phone Number: (512) 555-6789 .024/.117

PAWNEE PARKS AND RECREATION DEPARTMENT APPLICANT FINGERPRINT RECORD

Applicant Name: Garry Gergich

Social Security Number: 123-45-6789

Address: 122 Main St., Pawnee, TX 12345 .024/.117

Garry Gergich
Applicant Signature

L. Little

L. Ring

L. Middle

L. Index

L. Thumb



684/560.003

R. Little

R. Ring

R. Middle

R. Index

R. Thumb

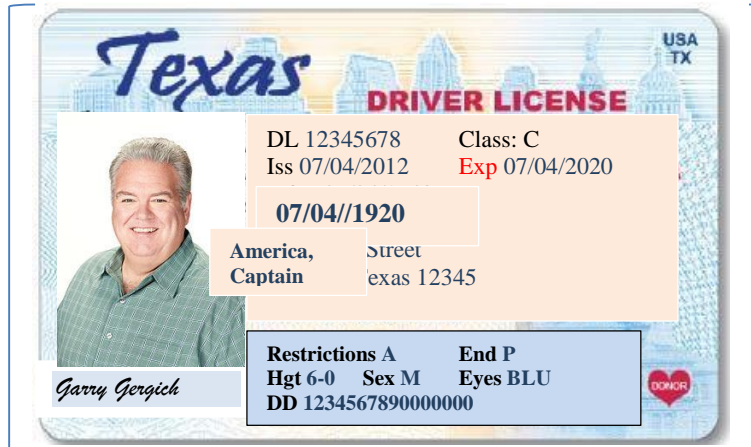


PAWNEE PARKS AND RECREATION DEPARTMENT

Direct Deposit Authorization Form

Please attach a voided check or letter from financial institution and sign the bottom of this form prior to mailing back to: Human Resources Department, City of Pawnee, 1600 Pawnee Parkway, Pawnee, Texas, 72345

1. Transaction Start Date: May 4, 2000
2. Account Number: 567891234
3. Routing Number: 111222345
4. Name of Financial Institution: Pawnee Bank and Trust
9000 Sweet'um's Avenue
Pawnee, Texas 12345
5. Name of Payee: Garry Gergich
6. Payee SSN: 123-45-6789
7. Signature: *Garry Gergich* Date: 05/04/2000



.130 and .024/.117

Exhibit C

July 17, 2015

Ms. Shauna Malwae-Tweep
123 Raccoon Row
Pawnee, Texas 12345

Dear Ms. Malwae-Tweep:

We have received your public information request for personnel documents and e-mails, dated July 1, 2015.

The information you requested contains the home address, home telephone number, emergency contact information, social security number, and/or family member information of a public employee or official. As allowed by section 552.024 of the Texas Government Code, this public employee or official has chosen to make this personal information confidential. Our office is prohibited by law from releasing this personal information to you, and therefore we have removed this information from the enclosed information we are providing to you.

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.024 allows us to withhold this specific information without requesting a ruling from the attorney general.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.024. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

Sincerely,

Sean Nottingham
Public Information Coordinator
City of Pawnee

How to appeal the withholding of information under Gov't Code section 552.024

If you wish to appeal the withholding of information discussed on the previous page, you must send the following to the attorney general:

- 1) a signed, written statement indicating your wish to appeal the withholding of information;
- 2) the name of the governmental body that withheld information from you;
- 3) the date you made your original request for information; and
- 4) a copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail to the attorney general at:

Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

Within forty-five business days after receiving all of the above-listed items necessary to file your appeal, the attorney general will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.

July 17, 2015

Shauna Malwae-Tweep
123 Raccoon Row
Pawnee, Texas 12345

Dear Ms. Malwae-Tweep:

We have received your public information request for personnel documents and e-mails, dated July 1, 2015.

The information you requested contains information that relates to:

- a motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country; or
- a motor vehicle title or registration issued by an agency of this state or another state or country; or
- a personal identification document issued by an agency of this state or another state or country or a local agency authorized to issue an identification document.

This information is confidential under section 552.130 of the Texas Government Code. Our office is prohibited by law from releasing this information to you, and therefore we have removed this information from the enclosed information we are providing to you.

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.130 allows us to withhold this specific information without requesting a ruling from the attorney general.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.130. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

Sincerely,

Sean Nottingham
Public Information Coordinator
City of Pawnee

How to appeal the withholding of information under Gov't Code section 552.130

If you wish to appeal the withholding of information discussed on the previous page, you must send the following to the attorney general:

- 1) a signed, written statement indicating your wish to appeal the withholding of information;
- 2) the name of the governmental body that withheld information from you;
- 3) the date you made your original request for information; and
- 4) a copy of your original request for information, or if you are unable to provide a copy, a description of your original request for information.

You may also submit written comments stating why you think the information should be released to you, but you are not required to do so.

Send your appeal by mail to the attorney general at:

Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

Within forty-five business days after receiving all of the above-listed items necessary to file your appeal, the attorney general will issue a written ruling on the matter. You will receive a copy of this ruling in the mail.

10-Day Letter

July 17, 2015

Mr. Justin Gordon
Open Records Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

Re: Public Information Request No. 15-123

Dear Mr. Gordon:

On July 1, 2015, the City of Pawnee (the “city”) received a written request for information from Shauna Malwae-Tweep with the Pawnee Journal. Copies of the request and the requestor’s subsequent clarification are attached as Exhibit A. Please note the city’s offices were closed on July 3, 2015, in observance of Independence Day, and on July 14, 2015, due to inclement weather.

The city will release some of the responsive information. However, the city asserts the remaining information responsive to this request is excepted from disclosure under the Public Information Act, Chapter 552, Government Code. The city raises section 552.103 of the Government Code.

Pursuant to section 552.301(a) of the Government Code, this letter is submitted in order to seek a decision as to whether this exception applies. We have copied the requestor as a recipient of this letter pursuant to sections 552.301(d). To assist in your review, the city will provide a brief of written comments and a copy of the remaining responsive information, or a representative sample, not later than the 15th business day from the date the request was received.

Should you need additional information, please feel free to contact me at 555-555-5555.

Sincerely,

Sean Nottingham
Public Information Coordinator
City of Pawnee

cc: Requestor (w/ enclosures)

Exhibit A

City of Pawnee Public Information Request

Date: June 30, 2015

Name: Shauna Malwae-Tweep

Address: 123 Raccoon Row
Pawnee, Texas 12345

Phone Number: (555)-555-5555

E-mail: SMalwaeTweep@pawneejournal.com

Request for information: I would like copies of Garry Gergich's personnel records and all e-mails sent between December 1, 2012, and March 31, 2013.

From: Shauna Malwae-Tweep (SMalwaeTweep@pawneejournal.com)
Sent: Wednesday, July 1, 2015 2:00 PM
To: openrecords@cityofcowabunga.gov
Subject: PIR clarification

Hi Mr. Nottingham,

Thank you for your call today, this is my e-mail confirming that I'd like the personnel records for the Garry Gergich that often goes by Jerry in the Parks and Recreation Department. Also, I'd only like e-mails from the time period I specified that contain any of the following terms:

Garry Gergich
Jerry Gergich
Larry Gergich
Terry Gergich
Barry Gergich
Burrito
Pawnee Animal Control
mural or murinal.

Thanks!

Shauna Malwae-Tweep
Pawnee Journal

15-Day Letter

July 24, 2015

Mr. Justin Gordon
Open Records Division
Office of the Attorney General
P. O. Box 12548
Austin, TX 78711-2548

Re: Public Information Request No. 15-123

Dear Mr. Gordon:

On July 1, 2015, the City of Pawnee (the “city”) received a public information request under the Texas Public Information Act (the “PIA”), Chapter 552, Government Code, from Shauna Malwae-Tweep with the Pawnee Journal. Copies of the request and the requestor’s subsequent clarification are attached as Exhibit A. Please note the city’s offices were closed on July 3, 2015, in observance of Independence Day, and on July 14, 2015, due to inclement weather.

The city has released some responsive information to the requestor. However, the city asserts the remaining information responsive to the request is excepted from required disclosure. Pursuant to section 552.301(a) of the Government Code, this brief is submitted to seek a decision as to whether section 552.103 of the Government Code applies to the remaining responsive information. We have copied the requestor as a recipient of this brief pursuant to section 552.301(e-1) of the Government Code. We have attached the remaining responsive information as Exhibit B.

[insert 552.103 argument]

The city respectfully requests a decision from the Open Records Division regarding the applicability of the argued exceptions as provided by the PIA.

Please do not hesitate to contact me at 555-555-5555 if you have questions or require additional information.

Sincerely,

Sean Nottingham
Public Information Coordinator
City of Pawnee

cc: Requestor

Exhibit A

City of Pawnee Public Information Request

Date: June 30, 2015

Name: Shauna Malwae-Tweep

Address: 123 Raccoon Row
Pawnee, Texas 12345

Phone Number: (555)-555-5555

E-mail: SMalwaeTweep@pawneejournal.com

Request for information: I would like copies of Garry Gergich's personnel records and all e-mails sent between December 1, 2012, and March 31, 2013.

From: Shauna Malwae-Tweep (SMalwaeTweep@pawneejournal.com)
Sent: Wednesday, July 1, 2015 2:00 PM
To: openrecords@cityofcowabunga.gov
Subject: PIR clarification

Hi Mr. Nottingham,

Thank you for your call today, this is my e-mail confirming that I'd like the personnel records for the Garry Gergich that often goes by Jerry in the Parks and Recreation Department. Also, I'd only like e-mails from the time period I specified that contain any of the following terms:

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Terry Gergich
Barry Gergich
Burrito
Pawnee Animal Control
mural or murinal.

Thanks!

Shauna Malwae-Tweep
Pawnee Journal

Exhibit B

From: Garry Gergich
Sent: Tuesday, March 19, 2013 9:55 AM
To: Chris Traeger, Ron Swanson, Leslie Knope
Subject: Garry's education

That's fair.

From: Chris Traeger
Sent: Tuesday, March 19, 2013 9:54 AM
To: Ron Swanson, Leslie Knope, Garry Gergich
Subject: Garry's education

Recently, Jerry applied and interviewed for the manager position at the Pawnee Animal Control Department. Over the course of the interview, Jerry revealed that his degree was from a two-year college, meaning that he is not technically qualified for the job he has been doing for the P&R Department for the last 30 years.

While Jerry will keep his current position, a mandatory drop in pay is required by the city's guidelines.

He will, literally, be earning less than he did when he started 30 years ago.

From: Tom Haverford
Sent: Thursday, February 7, 2013 9:57 AM
To: Leslie Knope, Garry Gergich
Subject: park safety

Dang Jerry! You jumped in a creek for a burrito? What would you do for a Klondike Bar?? Kill your wife???

From: Leslie Knope
Sent: Thursday, February 7, 2013 9:56 AM
To: Tom Haverford, Garry Gergich
Subject: park safety

oh no, Jerry...I'm so sorry...

Tom, you weren't supposed to be included...

From: Leslie Knope
Sent: Thursday, February 7, 2013 9:55 AM
To: Tom Haverford, Garry Gergich
Subject: park safety

Don't worry Jerry, no one will find out there was no mugger, and you hurt your shoulder reaching for your burrito...

From: Chris Traeger
Sent: Thursday, February 7, 2013 9:54 AM
To: Ron Swanson, Leslie Knope, Tom Haverford, Donna Meagle, April Ludgate, Garry Gergich
Subject: park safety

Due to recent criminal activities in our parks (most notably, poor Jerry's run in with a mugger at Ramsett Park), I've decided to institute the buddy system for any park-related work. Anytime a P&R employee has to complete an assignment in one of our lovely parks, he or she must take another employee to watch his or her back.

It will, literally, be the greatest policy the P&R Department has ever implemented.

From: Tom Haverford
Sent: Monday, December 3, 2012 9:59 AM
To: Ron Swanson, Leslie Knope, Garry Gergich, Donna Meagle, April Ludgate, Ann Perkins
Subject: murinal

MURINAL! MURINAL! MURINAL!

From: Garry Gergich
Sent: Monday, December 3, 2012 9:58 AM
To: Ron Swanson, Leslie Knope, Tom Haverford, Donna Meagle, April Ludgate, Ann Perkins
Subject: murinal

I just wanted to tell you about my idea.

From: Ann Perkins
Sent: Monday, December 3, 2012 9:57 AM
To: Ron Swanson, Leslie Knope, Tom Haverford, Donna Meagle, April Ludgate, Garry Gergich
Subject: murinal

Yes you did, check the subject line.

From: Garry Gergich
Sent: Monday, December 3, 2012 9:56 AM
To: Ron Swanson, Leslie Knope, Tom Haverford, Donna Meagle, April Ludgate, Ann Perkins
Subject: murinal

I did not.

From: Tom Haverford
Sent: Monday, December 3, 2012 9:55 AM
To: Ron Swanson, Leslie Knope, Garry Gergich, Donna Meagle, April Ludgate, Ann Perkins
Subject: murinal

haha, you said murinal!

From: Garry Gergich
Sent: Monday, December 3, 2012 9:54 AM
To: Ron Swanson, Leslie Knope, Tom Haverford, Donna Meagle, April Ludgate, Ann Perkins
Subject: murinal

I had a great idea for the competition to replace the defaced mural. I've made a pointillism piece that includes pictures of all the citizens of Pawnee. I can't wait to show it off tomorrow!